

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

## VT CONSTRUCTION, INC.,

Plaintiff,

V.

H2J ENVIRONMENTAL, LLC; et al..

## Defendants

\* \* \*

3:14-CV-0128-LRH-WGC

## ORDER

Before the court is plaintiff VT Construction, Inc.’s (“VT Construction”) motion for default judgment against defendant H2J Environmental, LLC (“H2J”). Doc. #22.<sup>1</sup>

Obtaining a default judgment is a two-step process governed by Federal Rule of Civil Procedure 55. *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). Generally, the determination of whether a plaintiff is entitled to a default judgment is within the court's discretion. See *Warner Bros. Entm't Inc. v. Caridi*, 346 F. Supp. 2d 1068, 1071 (C.D. Cal. 2004). However, where, as here, "a complaint alleges that defendants are jointly liable and one of them defaults, judgment should not be entered against the defaulting defendant until the matter has been adjudicated with regard to all defendants." *In re: First T.D. & Investment, Inc.*, 253 F.3d 520, 532 (9th Cir. 2001) (citing *Frown v. De La Vega*, 82 U.S. 552 (1872)).

<sup>1</sup> Refers to the court's docket number.

1       Because VT Construction's complaint seeks joint liability against both H2J and co-  
2 defendant Cincinnati Insurance Company ("CIC") - who has appeared and is defending itself in this  
3 action - the court shall deny the present motion for default judgment.

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5       IT IS THEREFORE ORDERED that plaintiff's motion for default judgment (Doc. #22) is  
6 DENIED.

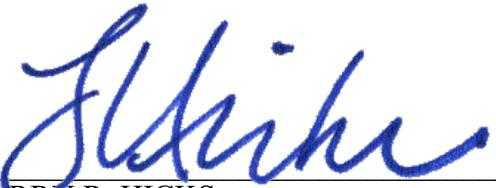
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IT IS SO ORDERED.

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DATED this 8th day of July, 2014.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

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